

BEFORE THE

In the Matter of)
)
 ENTERCOM COMMUNICATIONS AND) MB Docket No. 17-85
 CBS RADIO SEEK APPROVAL TO)
 TRANSFER CONTROL OF AND ASSIGN)
 FCC AUTHORIZATIONS AND LICENSES)

TO: Office of the Secretary

ATTN: The Commission

PETITION FOR FURTHER RECONSIDERATION

Edward R. Stolz II d/b/a Royce International Broadcasting Company (Stolz), Golden State Broadcasting, LLC (Golden), Silver State Broadcasting, LLC (Silver) and Major Market Radio, LLC (Major), and Deborah J. Naiman (Naiman) (collectively "Petitioners"), by their attorney, and pursuant to 47 CFR §1.1.106(b), hereby respectfully submit this Petition for Further Reconsideration of the FCC's **Order on Reconsideration**, FCC 18-152, 33 FCC Rcd --, released October 25, 2018, denying Petitioners' July 26, 2018 joint "Petition for Reconsideration". In so doing whereof, the following is shown:

Preliminary Statement

1. Section 1.106 of the Commission's rules permits thirty days for the filing of a Petition for Reconsideration. The thirtieth day subsequent to the release of FCC 18-152 was Saturday, November 24, 2018. Today, Monday, November 26, 2018, is the first working day after November 24, 2018. 47 C.F.R. §1.4(j). Therefore, this Petition for Further Reconsideration is timely filed.

2. With respect to this particular type of petition for reconsideration, the applicable procedural rule is 47 C.F.R. §1.106(b)(2). It states:

(2) Where the [Commission](#) has denied an [application](#) for review, a petition for reconsideration will be entertained only if one or more of the following circumstances are present:

(i) The petition relies on facts or arguments which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the [Commission](#); or

(ii) The petition relies on facts or arguments unknown to petitioner until after his last opportunity to present them to the [Commission](#), and he could not through the exercise of ordinary diligence have learned of the facts or arguments in question prior to such opportunity.

3. Since July 26, 2018, new factual circumstances have emerged which raise substantial and material questions as to whether CBS Corporation, the parent of CBS Radio and its various subsidiaries, possessed the requisite character qualifications to be Commission licensees. These circumstances involve alleged sexual predator Leslie Moonves, who stepped down as chairman and CEO of CBS Corporation on or about September 9, 2018. Moonves'

alleged sordid conduct over the past two decades came to light in stories published by the **New Yorker** magazine in August, 2018.

<https://www.newyorker.com/magazine/2018/08/06/les-moonves-and-cbs-face-allegations-of-sexual-misconduct>. See also <https://www.newyorker.com/news/news-desk/as-leslie-moonves-negotiates-his-exit-from-cbs-women-raise-new-assault-and-harassment-claims>

(published September 9, 2018). This article is attached hereto as Exhibit A.

Basic Legal Principles

4. The assignor or transferor of a broadcast license which lacks character qualifications cannot transfer a broadcast license as it has nothing to sell. **Jefferson Radio Co., Inc. v. FCC**, 340 F.2d 781 (1964). If the FCC fails to investigate the Leslie Moonves scandals, then it is on record as repudiating a fundamental principle of federal communications law, which is clear reversible error in the appellate court. 5 U.S.C. §706(2)(A).

5. The misconduct of Michael Rice, a sexual predator who was the principal of a broadcast licensee, led the FCC to revoke all of his broadcast licenses. **Contemporary Media, Inc.**, 12 FCC 14254 (ALJ, 1997), *affirmed*, 13 FCC Rcd 14437 (FCC en banc, 1998), *recon. den.*, 14 FCC Rcd 8790 (1999), *affirmed sub nom. Contemporary Media, Inc. v FCC*, 214 F.3d 187 (D. C. Cir. 2000), *cert. den.*, 532 U.S. 920 (2001).

6. If it is true that there is equal justice under law, and if it is true that **Melody Music, Inc. v. FCC**, 345 F.2d 730 (D. C. Cir. 1965) is still good law, then the FCC has an obligation to hold hearings to investigate Leslie Moonves, just as it did in the case of Michael Rice. The FCC could do it pursuant to 47 U.S.C. §309(e), or it could do it pursuant to 47 U.S.C. §403. But it has the obligation to do it.

Jefferson Radio Requires Vacation of Prior Decisions

7. Pursuant to **Jefferson Radio**, it is illegal for the FCC to grant the applications in the above-referenced docket until the FCC conducted a full and fair hearing to determine whether CBS Corporation possessed the basic character qualifications required of broadcast licensees. It certainly did so in **Contemporary**, *supra*. Another case from the past, where the Commission punished the indiscretions of an individual in control of a broadcast licensee was **Catoctin Broadcasting Corporation of New York**, 2 FCC Rcd 2126 (Rev. Bd. 1987), *affirmed*, 4 FCC Rcd 2553 (1989), *affirmed by unpublished opinion*, 920 F.2d 1039 (D. C. Cir. 1990). Catoctin involved small fry, a 250 watt AM station in Fredonia, New York, well over 400 miles from New York City. The miscreant in the case was named Henry Serafin.

8. If there is equal justice under law, the FCC will treat Leslie Moonves and CBS in the same fashion as it treated Henry Serafin and Catocin Broadcasting.


Conclusion

9. In view of the foregoing, Petitioners urge that the Commission vacate FCC 18-152 and all prior rulings in this docket, rescind the grants of all applications therein, and, in addition to the heretofore unresolved issues against Entercom Communications Corporation and its subsidiaries, designate all said applications in MB Docket No. 17-85 for a hearing before an independent Administrative Law Judge to determine the facts surrounding Leslie Moonves' sexual misconduct at CBS Corporation, whether the CBS Corporation board of directors failed in their fiduciary responsibilities to properly supervise Leslie Moonves, and based on the facts so adduced whether CBS Corporation and its subsidiaries possess the basic character qualifications to be able to assign its 177 radio stations to Entercom Communications Corporation. We would point out that this relief would be consistent with the FCC's recent designation for hearing of the applications involved in the Sinclair-Tribune merger as well as in the **Contemporary** and **Catocin** cases.

WHEREFORE, it is urged that this Petition for Further Reconsideration **BE GRANTED** and that relief as requested herein **BE GRANTED**.

Respectfully submitted,

EDWARD R. STOLZ II, d/b/a ROYCE
INTERNATIONAL BROADCASTING COMPANY
GOLDEN STATE BROADCASTING, LLC
SILVER STATE BROADCASTING, LLC
MAJOR MARKET RADIO, LLC
DEBORAH J. NAIMAN



By _____
Dennis J. Kelly
Their Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018
Telephone: 202-293-2300
E-mail: dkellyfcclaw1@comcast.net

DATED: November 26, 2018

EXHIBIT A

THE
NEW YORKER

AS LESLIE MOONVES NEGOTIATES HIS EXIT FROM CBS, SIX WOMEN RAISE NEW ASSAULT AND HARASSMENT CLAIMS

By Ronan Farrow September 9, 2018

Update: Three hours after the publication of this story, CNN reported that Moonves would step down from his position at CBS. Later the same day, CBS announced that Moonves had left the company and would not receive any of his exit compensation, pending the results of the independent investigation into the allegations. The company named six new members of its board of directors and said it would donate twenty million dollars to organizations that support the #MeToo movement and workplace equality for women. The donation will be deducted from any severance payments that may be due to Moonves.

Members of the board of the CBS Corporation are negotiating with the company's chairman and C.E.O., Leslie Moonves, about his departure. Sources familiar with the board's activities said the discussions about Moonves stepping down began several weeks ago, after an article published in the *The New Yorker* detailed allegations by six women that the media executive had sexually harassed them, and revealed complaints by dozens of others that the culture in some parts of the company tolerated sexual misconduct. Since then, the board has selected outside counsel to lead an investigation into the claims.

As the negotiations continue and shareholders and advocacy groups accuse the board of failing to hold Moonves accountable, new allegations are emerging. Six additional women are now accusing Moonves of sexual harassment or assault in incidents that took place between the nineteen-eighties and the early two-thousands. They include claims that Moonves forced them to perform oral sex on him, that he exposed himself to them without their consent, and that he used physical violence and intimidation against them. A number of the women also said that Moonves retaliated after they rebuffed him, damaging their careers. Similar frustrations about perceived inaction have prompted another woman to raise a claim of misconduct against Jeff Fager, the

executive producer of “60 Minutes,” who previously reported to Moonves as the chairman of CBS News.

One of the women with allegations against Moonves, a veteran television executive named Phyllis Golden-Gottlieb, told me that she filed a criminal complaint late last year with the Los Angeles Police Department, accusing Moonves of physically restraining her and forcing her to perform oral sex on him, and of exposing himself to her and violently throwing her against a wall in later incidents. The two worked together in the late nineteen-eighties. Law-enforcement sources told me that they found Golden-Gottlieb’s allegations credible and consistent but prosecutors declined to pursue charges because the statutes of limitations for the crimes had expired. Early this year, Moonves informed a portion of the CBS board about the criminal investigation.

The terms of Moonves’s potential departure have yet to be settled. Last week, news reports had circulated that he might leave with an exit package of nearly a hundred million dollars. Several of the women expressed outrage that Moonves might be enriched by his departure from the company. Jessica Pallangston, a writer, alleges that Moonves coerced her into performing oral sex on him when she worked as his temporary assistant, in the nineties, and that, after she repelled subsequent sexual advances, he became hostile, at one point calling her a “cunt.” “It’s completely disgusting,” she said of the reports of Moonves’s potential exit package. “He should take all that money and give it to an organization that helps survivors of sexual abuse.”

In a statement, Moonves acknowledged three of the encounters, but said that they were consensual: “The appalling accusations in this article are untrue. What is true is that I had consensual relations with three of the women some 25 years ago before I came to CBS. And I have never used my position to hinder the advancement or careers of women. In my 40 years of work, I have never before heard of such disturbing accusations. I can only surmise they are surfacing now for the first time, decades later, as part of a concerted effort by others to destroy my name, my reputation, and my career. Anyone who knows me knows that the person described in this article is not me.” Moonves declined to specify which three encounters he considered consensual.

In separate statements, the CBS board of directors said that it “is committed to a thorough and independent investigation of the allegations, and that investigation is

actively underway,” and the CBS Corporation said it “takes these allegations very seriously,” and called the board’s investigation “thorough” and “ongoing.”

Golden-Gottlieb worked with Moonves at the television production company Lorimar-Telepictures in the nineteen-eighties. She was already an industry veteran who had held senior positions at NBC, MGM, and Disney. Golden-Gottlieb, who is now in her early eighties and retired, told me that the first incident in which Moonves assaulted her occurred in 1986, when he was in charge of movies and miniseries at Lorimar and she was the head of comedy development there. Moonves, she recalled, came into her office in the middle of a workday and suggested the two of them go out for lunch. Instead of taking her to a nearby restaurant, she said, Moonves drove her to a secluded area. When Golden-Gottlieb began to ask if he was having trouble finding a parking space, she said that Moonves “grabbed my head and he took it all the way down onto his penis, and pushed his penis into my mouth.” She said he held her head in place forcibly. “He came very quickly,” she recalled. “You sort of just go numb. You don’t know what to do.” Distraught, Golden-Gottlieb demanded that Moonves take her back to the office. When she got there, she said, she vomited. “It was just sick,” she told me. She didn’t report the incident at the time because she was a single mother supporting two children and feared for her career. “I realized he was the new golden boy,” she told me. “I just kept quiet.” But the incident, she said, “never left me.”

VIDEO FROM THE NEW YORKER

How the Midterms Will Shape the Next Two Years

Golden-Gottlieb continued to work with Moonves, who was later promoted to more senior positions within Lorimar. She said that she had avoided being alone with Moonves whenever possible in the period after the first assault. In early 1988, she told me, she entered Moonves's office to discuss a work matter, and he said that he was going to get a glass of wine. He left briefly and, when he returned, she said, he was not wearing pants, and was aroused. She turned away, embarrassed, and ran out of the room. The following day, Moonves approached her in her office and berated her for not sending a memo to another executive. When she told Moonves that she didn't typically share her memos with that executive, he became enraged, she recalled. "He reaches over and pulls me up and throws me, I mean hard, against the wall," she told me. Afterward, she said, she collapsed and "couldn't get up." She recalled "lying on the floor, just crying."

After she rebuffed Moonves, Golden-Gottlieb said that Moonves retaliated against her professionally, moving her into ever smaller offices. "Every two days, he'd find a darker space, or a place downstairs, or something," she recalled. She told me that her career in the entertainment industry suffered, which she attributed to his influence at Lorimar and, later, CBS. "He absolutely ruined my career," she said. "He was the head of CBS. No one was going to take me."

Get the best of *The New Yorker* every day, in your in-box.

Enter your e-mail

Sign me up

Golden-Gottlieb told several acquaintances about the incidents with Moonves. One, a veteran showrunner, recalled feeling stunned when Golden-Gottlieb, in a social setting about a decade ago, recounted her claim that Moonves had exposed himself to her. “This is the head of a network,” he said. Golden-Gottlieb struck him as “a professional person. She didn’t seem like the type of person to make things up.” Golden-Gottlieb said that, even years later, she is still frightened of Moonves. But she said that her determination to pursue criminal charges was galvanized by the women speaking about sexual harassment and assault as part of the #MeToo movement. “They gave me courage,” she said. “I saw everyone coming out; I had to.”

Sources familiar with the CBS board’s activities said that Moonves was informed of Golden-Gottlieb’s complaint to the Los Angeles police in the fall. He did not disclose the existence of the criminal investigation to a number of CBS board members until several months later. The full board was not informed, and Moonves was allowed to continue running the company. “They don’t care about me. I can’t do anything for them,” Golden-Gottlieb told me. “The whole world is only about money, nothing else.”

Jessica Pallington had worked for several years as an assistant to various Warner Bros. executives, first employed directly by the company and then through an outside contractor, when she was assigned to assist Moonves for several days, in the spring of 1994. A description of the assignment noted that Moonves, then the president of Warner Bros. Television, would work out of his hotel room. Pallington, who was thirty-four at the time, had studied writing at Oberlin College and hoped to break into the industry. She considered working for Moonves a significant opportunity, so she accepted the assignment.

On her first day of work, Pallington arrived at Moonves’s suite at the Regency Hotel about ten minutes before her appointed start time of 10 A.M. Moonves, she recalled, came to the door in a bathrobe and then departed and returned fully clothed. He sat in a large chair at one end of the suite’s living room while she took another opposite him.

Moonves began asking about her career ambitions, and she told him about her writing. “He was very charming,” she recalled. Moonves began asking personal questions, including questions about whether she was single and her sexual orientation. He offered her wine, which Pallington accepted, and poured himself a glass, which he drank quickly. “I was at work, and I didn’t want to be drunk,” she recalled, “but at the same time I wanted to behave and do what was expected of me.” Then Moonves asked her for a massage. Pallington crossed the room, and Moonves placed her hands on his neck and shoulders, briefly instructing her on how to do it before telling her to sit back down. “I guess I was terrible, because he said, ‘Never mind,’” she recalled. “He was really frustrated. He said, ‘Haven’t you ever given a massage to your boyfriends?’” Moonves, appearing irritated, began asking more sexual questions. She recalled him asking if she was afraid of men, and then if she liked powerful men. Frightened and beginning to shake, she said that she did, and Moonves told her to come to him. Pallington told me that “it was uncomfortable, but I was trying to act like I was tough and cool, like I could handle it all.” She remembers Moonves saying, “I could help you with your writing. I could help you, and if you do something nice for me I could do something nice for you.”

Moonves, she said, then kissed her, shoving his tongue down her throat “like he was trying to reach my stomach.” Then “he said, ‘I want you to suck my cock.’” She recalled mumbling “O.K.,” and Moonves grabbing her head and forcing it onto his penis. “He kept his clothes on. He had Calvin Klein underpants. He pushed my head down, hard,” she said. “It was very violent, very aggressive. There was real hostility in it.” Eventually, she said, he told her to lie down on the couch. “I was really scared and nervous,” she said. “I started getting a panic attack.” She tried to leave the room, and he told her to sit down. “I remember sitting in the chair shaking and really messed up,” she said. Moonves began groping her breasts and, she said, “kept saying, ‘C’mon, let’s fuck.’” Pallington, who has a history of anxiety and panic attacks, said that her shaking intensified so much that it became clearly visible to Moonves. “I said, ‘I can’t do this,’” she told me. “He said, ‘O.K.’ He didn’t try to push it.” She collected herself and, after her panic attack subsided, Moonves departed for a meeting. Before leaving, she said, “He took my hand and shook it and said, ‘You did a great job.’ ”

Pallington spent several more days working as Moonves’s assistant, during which, she said, he “was a little gropey, but not much,” occasionally rubbing her shoulders, making

her uncomfortable. The following spring, however, after she was assigned to work with Moonves again when he made a similar trip to New York, he immediately offered her wine and began groping her breasts. “His hands were on my neck, and then he started reaching down my bra,” she said. Panicked, Pallington lied and said that she’d gotten engaged. “I figured it was a way to get him to stop,” she said. Moonves, sounding skeptical, asked whom she was marrying, and she gave a false name. “By this time I was just a little tougher,” she told me. “And that pissed him off.” Moonves grew “cold as ice, hostile, nasty,” she recalled, “because I turned him down.” During the remainder of their time working together, she said, Moonves would bark orders at her, sometimes using obscenities. At one point, he threw a pillow at her to get her attention. On another occasion, he had loud phone sex in front of her. “It was, like, ‘I’m gonna do this, I’m gonna fuck you.’ And I’m just sitting there listening, trying to act like I was all cool.”

The following year, she said, Moonves, then at CBS, was hostile toward Pallington, when he called the executive she was working for at Warner Bros. As she connected the phone call, she recalled, Moonves ordered her to get the executive on the line, addressing her as “you cunt.” Pallington told me that her experiences with Moonves worsened a decades-long struggle with anxiety, depression, and controlling her anger. Her career in television “sort of fell apart.” She continued to pursue writing, eventually publishing several books, but abandoned her ambitions of working full-time in television. “It played a number on my head, especially in terms of self-worth, professionally,” she said, of Moonves’s behavior.

Pallington said that, for many years, her feelings of shame led her to minimize the story when she recounted it to friends and colleagues. “I wouldn’t tell people the whole story, or I’d make it sound like we were having an affair,” she told me. “It was way too embarrassing to be honest about it, because I believed anyone who put themselves in that situation was an idiot, or weak.” A former colleague, who worked with Pallington at Warner Bros. in New York and asked not to be named, said that she remembered being troubled when Pallington told her, at the time of the first incident, about Moonves’s offer to help her career in exchange for sexual favors. She said that Pallington stopped short of disclosing whether she complied. Another friend, Deborah Perron, said that shortly after she and Pallington met, in the fall of 2016, Pallington told her about Moonves’s proposition over wine and aggressive kissing, but was reluctant to say more.

“It was disturbing,” Perron recalled. “This is within an hour, and he was her boss, and she was scared.” Last year, with the rise of the #MeToo movement, Pallington recounted the story to Perron in full. “I said, ‘Wait a second,’” Pallington told me. “I don’t have to be embarrassed.”

Other women described experiencing various forms of unwanted kissing or touching by Moonves. Deborah Green was a freelance makeup artist regularly working for CBS in the early aughts when she says an encounter with Moonves reduced her work at the network. She was assigned to apply Moonves’s makeup and style his hair ahead of a promotional video shoot. Green had worked with Moonves once before without incident. When she returned with Moonves to his office to remove his makeup, he pointed to his shoulders and asked for a massage. Moonves had complimented a ring on her finger, and she had mentioned that it was a gift from her boyfriend. Green told me that she assumed she had made clear to Moonves that she was not interested in any sort of overture. She was further assured, she said, when Moonves began asking about her boyfriend.

MORE FROM
NEWS DESK



An Evacuation in North Carolina, and the Danger of Climate Disasters for an Aging Population

By Charles Bethea



Trump’s Utter Denial About Saudi Arabia and Its Crown Prince

By Robin Wright



Creating a Road Map for a “Green New Deal”

By Osita Nwanevu



New E of Stev Cambr Role in

By Jane

Then, catching her off guard, he stood up, turned around, and forcefully grabbed her, kissing her hard. “He stuck his tongue down my throat,” she told me. “It was like a forceful hold.” Green recalled shoving Moonves back, shocked. He appeared dismayed and abruptly turned and left, shutting himself in an adjoining bathroom. Shortly afterward, he opened the door and flatly instructed her to “pack your bags and leave.” Green said she held back tears as she left the building, then cried as she drove from the CBS offices to her home. For several days, Green said, she struggled with whether to report the incident. “I didn’t want my livelihood to be jeopardized,” she said. Shortly after, she spoke to her father, who confirmed to me that the two discussed the incident and the risks of filing a complaint. Green decided to remain silent. “Knowing that Les is powerful is why I didn’t speak out at the time,” she recalled. “I was a makeup artist who had no voice.”

Two weeks later, Green said, she called the CBS employee who usually assigned her work for the company. “I called and left a message and didn’t get a return call,” she said. She did continue to work for CBS television programs, including its soap operas, but was never hired again by the print-and-publicity department to work with the company’s executives.

In the late nineteen-eighties, Deborah Morris was a junior executive working at Lorimar. One evening, she told me, Moonves asked her to come to his office to discuss several projects. The two spoke about work matters briefly before Moonves asked, “What do you want?” Confused, Morris asked what he meant. Moonves, as she recalled the conversation, said, “You know, where do you live? What kind of stuff do you want?” He mentioned televisions and cars as examples. “I didn’t take it seriously. I didn’t think anybody could be that corrupt,” she said. “It was something you saw in the movies or on TV. And later I realized this absolutely does exist.”

Moonves offered her a glass of wine. She declined but he insisted. “It’s just a little glass of wine. Come on,” she recalled him saying. As Moonves began to drink, Morris, growing nervous, excused herself to get a cigarette from her office. Walking back, she noticed a security guard and thought she could call for help if necessary. “I went back to his office. What a fool,” she told me. She sat on Moonves’s couch and, “all of a sudden, he was next to me,” she told me. “He said, ‘How about a kiss?’ I said no. And he said, ‘No, come on, how about a kiss? It’s nothing. How about a little kiss?’” Moonves

drew closer to Morris and, she said, “although he’s not a big person, there was something looming in his actions. He knew how to win people over. And then that would turn very quickly to, if you didn’t give him what he wanted, this threatening feeling from him.” Morris said she then “bolted.”

Morris, along with three friends and relatives she confided in at the time, said that Moonves continued his advances over the following months. One night, Morris said, Moonves offered to drive her to her car as they walked out of the office after dark. The two were in his Porsche, with Morris in the passenger seat, when, she said, “all of a sudden he stops the car and grabs me.” Holding Morris by both shoulders, Moonves pulled her toward him in what she took to be an attempt to force a kiss. “My left arm swung and hit him across the chest,” she said. “It was just instinct.” Moonves stopped, appearing momentarily shocked. Morris scrambled out of the car and ran. Immediately after the incident, Morris told her best friend at the time, her sister, and her sister’s husband, what had happened. All three confirmed her account.

After that encounter, Morris said, Moonves refused to speak to her, and she was frozen out of meetings at Lorimar. “I was hung out to dry,” she said. “And that was pretty much the end of my career. I wasn’t going to get a reference.” Morris discussed the possibility of filing a formal complaint against Moonves with acquaintances in the company’s legal and human resources departments without naming her harasser. Both discouraged her. “Who’s going to believe you? You’re no one,” she recalled her contact in the legal department saying. Morris added, “And these were both women.” Morris left the entertainment industry and moved to the Bay Area, later taking jobs in technology and health care. Morris said that Moonves’s response to last month’s allegations of sexual abuse, proclaiming his commitment to the principle of “no means no,” had frustrated her. She had told Moonves no numerous times, but said he continued his advances. “His statement was incredible. Absolutely incredible. It made me sick,” she told me. “He’s cunning. He’s calculating. And he’s a predator.”

In 1990, the writer Linda Silverthorn arrived for a business meeting with Moonves at Warner Bros. at nine in the morning. Silverthorn had recently secured a feature screenwriting credit, for “Beverly Hills Brats,” a comedy starring Martin Sheen, and was looking for a development deal for further writing projects. Six years earlier, when she was an assistant, and he was a vice-president at Twentieth Century Fox, Moonves

had propositioned her, offering to help her career, and the two had consensual sexual encounters in his office over the course of about a month. After he discussed his wife and children during one liaison, Silverthorn said, she stopped the encounters. The two had friendly interactions at industry events in the intervening years, and Silverthorn believed that she could turn to Moonves as a professional contact. She told me that she had made it clear to Moonves that she was inquiring about professional opportunities.

Silverthorn told me that Moonves shut the door, took several swigs of coffee, grabbed her, and pulled her up from the chair where she was seated. Before making conversation, “he kissed me while we were standing up. Coffee was on his breath,” she recalled. “And then he just pulled his penis out” and moved it towards her hand. Silverthorn, who was in a long-term, committed relationship at the time, said she was in shock. She said that she “manually manipulated him, and just got it over with.” Afterward, she said, Moonves told her the studio didn’t have any opportunities for her. She departed the meeting and never contacted Moonves again. “It was unwelcome, it was unwanted,” she said. Their encounters, six years earlier, she told me, didn’t “allow him to just grab me and pull his penis out on me when I’m there for a legitimate business meeting at nine o’clock.”

Silverthorn said that she had struggled with whether to report the incident in order to protect others from what she thought was a practiced routine. She told several people over the years and discussed with her daughter the possibility of speaking publicly. “She was disturbed by what went down,” her daughter, Persephanie, a clinical psychologist, told me. “She was active in screenwriting at the time. It was a completely professional meeting, and that was completely unprofessional behavior.”

Other new allegations against Moonves relate to women who worked with him as massage therapists. Two former senior members of the staff at the Four Seasons Hotel in Washington, D.C., told me that, in the late nineties and early aughts, massage therapists at its spa repeatedly complained of sexual misconduct by Moonves. “I just remember he always had to have a female; it always had to be in his suite,” Debra Williams, the spa director at the time, told me. “And it was quite a few times that those women would come back and say, ‘I’m never going up there again.’” The massage therapists, who worked as contractors, told Williams that Moonves would remove his towel, expose himself, and proposition them. “They would come to me in my office just

kind of shaken,” she recalled. She said that she struggled with what to do, given Moonves’s position and prominence in the entertainment industry. “I was, like, ‘Damn, this guy runs CBS. This is a big deal,’” she told me. Eventually, Williams said, she reported Moonves to the hotel’s rooms director at the time, who asked to remain anonymous but confirmed that Moonves had been the subject of the complaints. (His wife also recalled him mentioning the matter at the time.) The rooms director said that he contacted Moonves and warned him that, if the behavior didn’t stop, “We’re not gonna be able to offer you services anymore.”

Deborah Kitay, who formerly worked as a massage therapist in Los Angeles, told me that Moonves harassed her when she gave him massages at his office and home in the late nineties. “Bottom line is, every time I went in there for about a year and a half to two years, he would ask me to work higher up his leg in a way that was clearly sexual,” she told me. On one occasion, she said, as she drew closer to his penis, he asked her to “touch it.” On another, Moonves threw off the sheet covering him and exposed himself to her. She said she repeatedly told Moonves that she didn’t “do that kind of work,” and brought up his wife in the hope that it would discourage him. She said that Moonves continued to proposition her, until she told him that she was attracted to women. “I’m actually bisexual,” she said, “but I thought if I told him that, he’d leave me alone. And it worked.” She called the experience “very stressful,” but said that she always stopped short of terminating their sessions, fearing that the fallout from embarrassing Moonves might harm her career. Kitay told her romantic partner at the time, Jael Greenleaf, who remembered Kitay raising the issue repeatedly over the course of several months. “She was upset by it, and sort of flabbergasted.” Kitay also called her brother David, a film composer, about the situation. Moonves “did all kinds of things that made her feel very uncomfortable,” David recalled. “It was offensive and disgusting and sad.”

Kitay told me that her experience with Moonves caused her to decline further work on male clients, and ultimately contributed to her decision to leave massage therapy. Years later, she was convicted of a count of wire fraud for participating in a deceptive real-estate scheme. Knowing that her criminal history might be publicized, Kitay only stepped forward when she heard about Moonves’s statements regarding consent. “It was a weekly thing,” she said of Moonves’s alleged sexual advances. “And I said no every time.”

In the weeks since the disclosure of earlier allegations against Moonves and complaints about a broader culture of harassment at CBS, a tense atmosphere has emerged in parts of the company, employees told me. At CBS News, the situation has been particularly fraught, with employees being asked to speak to law-firm investigators as their superiors, accused of misconduct, continue to work at the company.

Last month, six former employees said that Jeff Fager, the “60 Minutes” executive producer and former CBS News chairman, had touched employees at company parties in ways that made them feel uncomfortable. Others said that Fager protected men accused of misconduct, including men who reported to him. CBS announced that Fager would remain in his current position until an investigation by an outside law firm was completed. In a speech to staff last month after returning from vacation, Fager addressed the allegations. In a statement for this story, Fager said, “I have encouraged everyone at 60 Minutes to speak to the lawyers reviewing our culture with the hope that our entire staff would have a voice, and the truth would come out about our workplace. It was at the center of my talk to the staff when we returned from vacation because I believe that a fair and open investigation will determine 60 Minutes is a good place where talented women and men thrive and produce some of the finest broadcast journalism in America.”

In a new allegation against Fager, Sarah Johansen, a producer who was an intern at CBS in the late aughts, said that he groped her at a work party. Johansen told me that she felt compelled to speak because she simply “can’t believe he’s back there.” Johansen told me that, when she was growing up, outside a small town in Denmark, “I had really idolized ‘60 Minutes’ since I was young. I can’t possibly overstate how much it meant to me, even just to be an intern.” She said that, upon arriving at the program, she was thrilled by the work but troubled by the culture. Like several others, she used the term “boy’s club” to describe the atmosphere. “I really felt like this was one of the most sexist places I’ve ever worked,” she said.

Johansen said that she had contact with Fager on only two occasions. The first, she said, was at a work party at a bar near the CBS News offices in Manhattan. She was in a group of co-workers when, “all of a sudden, I felt a hand on my ass,” she said. “The hand belonged to an arm which belonged to Jeff Fager.” Another producer told her it was colloquially referred to by women on the team as “the Fager arm,” which several

said they were mindful to avoid at parties. “I was shocked,” Johansen said. “His hand should not be anywhere near his intern’s ass.” She said the contact was “more like a stroke. It wasn’t just a ‘Hey, what’s up?’” She didn’t think Fager was propositioning her, and interpreted the move as “a power trip.” She told me, “When he grabbed my ass, it was just, like, ‘Welcome to “60 Minutes.” You’re one of us now.’” She recalled making eye contact with Fager, laughing and walking away quickly. But she was troubled enough by the incident that, shortly afterward, she told a male producer, who corroborated her story. On the one other occasion when Johansen interacted with Fager directly, she and a fellow-intern invited him to lunch. She was excited that he accepted. “What does that say about me that he does that and then I still say, Ohh, I want to have lunch with the big boss?” she asked. “I hate myself for that. But I just wanted to be a producer.” Fager declined to comment on the allegation.

The initial allegations also included claims by nineteen current and former employees that Fager had tolerated harassment in the division. A number described the environment at “60 Minutes” under Fager’s leadership as “a frat house.” One producer, Habiba Nosheen, said that the program had a “Mad Men” culture. She and several others said that senior male members of the “60 Minutes” team asked about their sex lives and suggested they flirt with sources. One former employee said older male producers at the show greeted her by kissing her on the mouth and touching her rear end, and told me that Fager “seemed to encourage” the climate.

With Fager back at work, “people are now worried about reprisals, since the articles didn’t do much, it seems,” one “60 Minutes” producer told me, referring to the story in the *New Yorker* and a subsequent article in the *Washington Post* accusing Fager of tolerating abusive behavior by other male producers. “Until the networks change the power structure at the top, I won’t feel safe speaking out,” another producer told me.

In several recent high-profile cases, media companies have quickly fired figures accused of sexual harassment “for cause,” and withheld severance packages otherwise guaranteed by their contracts. At NBC, Matt Lauer, the former anchor of the “Today” show, was fired for cause hours before harassment allegations against him were disclosed by *Variety*. CBS fired Charlie Rose the day after the *Washington Post* published claims against him. But Moonves, who many on Wall Street laud for boosting CBS’s profits, occupies an unusual position of power. His current employment

contract, which was reviewed by *The New Yorker*, lays out a number of grounds for firing him, including violating the company's sexual-harassment policies. But the contract also allows him to depart of his own volition, with generous compensation, for a range of reasons, including any diminishment of his responsibilities, or, if, at any time, a majority of the CBS board members change. That proviso has given Moonves sway over the makeup of the board—the group now responsible for investigating him. The vast majority of board members are allied with Moonves in an ongoing legal battle between Shari Redstone, the president of the holding company that controls Viacom and CBS, who has sought to merge the companies, and Moonves, who has resisted that effort. (None of the women who made allegations about Moonves in this story were familiar with, or linked to, the corporate battles at CBS.)

The board appointed two law firms, Covington & Burling and Debevoise & Plimpton, to investigate the allegations against Moonves. A number of individuals whom the firms have asked to interview said that they were concerned about the independence of the two firms, given the large amount of legal work they do for CBS. “If you knew how much money these firms were making from the mergers and acquisitions and the business side of CBS, there’s no way you’d think they’re impartial,” one former executive who occupied senior positions on the CBS and Viacom legal teams told me. (Representatives for both law firms declined to comment.)

The sources familiar with the board's current discussions said that one point of contention was the portion of Moonves's exit package that could be “clawed back” if investigators find that he committed misconduct. They said that, at most, half of Moonves's pay could be withdrawn. Golden-Gottlieb, one of several women in this story who has volunteered to speak to investigators, said that she had little faith that Moonves would face meaningful consequences. “He’s going to get away with it,” she told me. “But I want to be there. I’m not going to be a shadow anymore.”



Ronan Farrow is a contributing writer to The New Yorker and a television anchor and investigative reporter whose work also appears on HBO. He is the author of the book “War on Peace: The End of Diplomacy and the Decline of American Influence.” [Read more »](#)

Video

Ronan Farrow's Unlikely Path to Public Service

The Pulitzer Prize-winning journalist on growing up in a show-business family, his early experience in international relations, and pursuing the Harvey Weinstein story.

CONDÉ NAST

© 2018 Condé Nast. All rights reserved. Use of and/or registration on any portion of this site constitutes acceptance of our [User Agreement \(updated 5/25/18\)](#) and [Privacy Policy and Cookie Statement \(updated 5/25/18\)](#). Your [California Privacy Rights](#). The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Condé Nast. The New Yorker may earn a portion of sales from products and services that are purchased through links on our site as part of our affiliate partnerships with retailers. [Ad Choices](#)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Petition for Further Reconsideration" have been served by e-mail and first-class United States mail, postage prepaid, or by e-mail only where shown by "*", on this 26th day of November, 2018 upon the following:

Meredith S. Senter, Jr., Esquire
Lerman Senter PLLC
2001 L Street, NW, Suite 400
Washington, DC 20036
msenter@lermansenter.com
Counsel for CBS Broadcasting, Inc. and subsidiaries

Zachary A. Judd, Esquire
Latham & Watkins LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Zachary.judd@lw.com
Counsel for Entercom Communications Corporation

David H. Solomon, Esquire
J. Wade Lindsay, Esquire
Wilkinson Barker Knauer, LLP
1800 M Street, NW, Suite 800N
Washington, DC 20036
DSolomon@wbklaw.com
WLindsay@wbklaw.com
Counsel for Entercom Communications Corp.

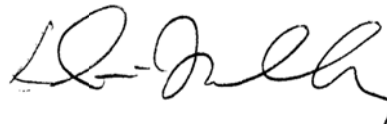
Nancy A. Ory, Esq.
Lerman Senter PLLC
2001 L Street, NW, Suite 400
Washington, DC 20036
nory@lermansenter.com
Counsel for Entercom Divestiture Trust

David E. Shapiro, Esq.
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, NY 10019
DEShapiro@wlrk.com
Counsel for CBS Corporation

Scott W. Woodworth, Esq.
Edinger Associates PLLC
International Square
1875 I Street, NW, Suite 500
Washington, DC 20006
swoodworth@edingerlaw.com
Counsel for TDC Communications/Elliott Evers

Michael Wagner, Esq.*
Audio Division, Media Bureau
Room 2-A523
Federal Communications Commission
Washington, DC 20554
Michael.Wagner@fcc.gov

Stephen Svab, Esq.*
Audio Division, Media Bureau
Room 2-A802
Federal Communications Commission
Washington, DC 20554
Stephen.Svab@fcc.gov



Dennis J. Kelly